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Date: February 28, 2006

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Name: Examiner Ali R. Salimi, Group Art Unit 1648

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Pages: 5 (including this cover page)

Subject: Attorney File No. EQ-1-C2-2

U.S. Patent Application Serial No. 10/734,373

From: Theresa A. Brown, Esq. (970-493-7272 - Fxt 4154)

**Please find attached a
Response to Notice of Non-Compliant Amendment.**

CONFIDENTIALITY NOTICE

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ATTN: MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In Re the Application of:

Dowling, Patricia W.
Youngner, Julius S.

Serial No.: 10/734,373

Filed: December 12, 2003

Atty. File No.: EQ-1-C2-2

For: "COLD ADAPTED EQUINE
INFLUENZA VIRUSES"

) Group Art Unit: 1648

)

) Examiner: Salimi, Ali Reza

)

) PTO Customer No.: 26949

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RESPONSE TO NOTICE OF
NON-COMPLIANT AMENDMENT

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CERTIFICATE OF FACSIMILE TRANSMISSION
I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING FACSIMILE TRANSMITTED TO EXAMINER A. R. SALIMI, FAX NO. 571-273-8100, ADDRESSED TO MAIL STOP AMENDMENT, COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA 22313-1450, THIS 28TH DAY OF FEBRUARY 2006
HESKA CORPORATION
By: <u>Susan A. Gordon</u> Susan A. Gordon

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Non-Compliant Amendment mailed from the U.S. Patent and Trademark Office on February 15, 2006, Applicants submit herewith the corrected section of the non-compliant amendment filed on February 8, 2006. Since this response is to correct a non-final amendment, Applicants believe the due date for filing this response is thirty (30) days from the mailing date of the Notice, i.e., March 17, 2006. Applicants accordingly submit this response is timely filed.